

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

REGINALD DESMOND WALLACE

PETITIONER

VS.

CIVIL ACTION NO. 3:19CV465TSL-RHW

STATE OF MISSISSIPPI AND PELICIA HALL
COMMISSIONER OF THE MISSISSIPPI
DEPARTMENT OF CORRECTIONS

RESPONDENTS

ORDER

This cause is before the objection of petitioner Reginald Desmond Wallace, Jr. to the report and recommendation entered by Magistrate Judge Robert H. Walker on December 17, 2019, recommending that Wallace's § 2254 petition be dismissed with prejudice. Having reviewed the objection, the court concludes that it should be overruled for the reasons set forth in respondent's response thereto and that the report and recommendation should be adopted as the opinion of the court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Robert H. Walker on December 17, 2019, be, and the same is hereby adopted as the finding of this court. Accordingly, it is ordered that respondent's motion to dismiss is granted. It follows that the petition for writ of habeas corpus is hereby dismissed with prejudice.

Furthermore, the court concludes that a certificate of appealability shall not issue. While petitioner has demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right," he has not shown that "jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 7th_day of January, 2020.

/s/ Tom S. Lee _____
UNITED STATES DISTRICT JUDGE